

State of New Hampshire Banking Department

In re the Matter of:) Case No.: 08-BD-003
)
State of New Hampshire Banking)
) Staff Petition
Department,)
)
Petitioner) August 11, 2008
)
and)
)
Family Protection Center (a/k/a)
)
Mortgage Protection Center), Mortgage)
)
Protection Center (a/k/a Family)
)
Protection Center), The Mortgage)
)
Protection Center, LLC (d/b/a)
)
Mortgage Protection Center and Family)
)
Protection Center), National Agents)
)
Alliance Insurance Agency, LLC (a/k/a)
)
NAA, National Agents Alliance, d/b/a)
)
www.naaleads.com, Family Protection)
)
Center, and Mortgage Protection)
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Center), National Agents Alliance)
)
(a/k/a NAA, National Agents Alliance)
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Insurance Agency, LLC, d/b/a)
)
www.naaleads.com, Family Protection)
)
Center, and Mortgage Protection)
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Center))
)
Respondents)
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STATEMENT OF ALLEGATIONS

I. The staff of the Banking Department, State of New Hampshire (hereinafter referred to as the "Department") alleges the following facts:

1. On or about July 17, 2008, the Department received a written communication from Consumer A, an individual, regarding a mailing from Respondent Family Protection Center P.O. Box 9001 in Burlington, North Carolina 27216-9001.
2. A search from the Better Business Bureau shows a March 24, 2008 Communications/Investigations tip regarding Respondent Family Protection Center (hereinafter "FPC") states Respondent FPC is also known as Respondent Mortgage Protection Center (hereinafter "MPC") with the same address as in paragraph 1 above.
3. A search for "Mortgage Protection Center" via the North Carolina Secretary of State website reveals Respondent The Mortgage Protection Center, LLC (hereinafter "MPC, LLC") is out of Hendersonville, North Carolina.
4. The telephone number listed with the same Better Business Bureau March 24, 2008 Communications/Investigations tip leads to a voice mail indicating the caller has reached NAA and its website is www.naaleads.com, which advertises it is "America's #1 Seller of Mortgage Protection Insurance".
5. The website www.naaleads.com, as indicated in a Network Solutions WHO IS search, is owned by Respondent National Agents Alliance out of Burlington, North Carolina (hereinafter

1 "National Agents Alliance"). The street address is listed as
2 "Private".

3 6. The website www.naaleads.com shows two significant addresses.
4 For NAA, the address is listed as 1214 Turrentine Street in
5 Burlington, North Carolina and for the Senior Vice President -
6 Sales Development and Sales Quality Manager, it is listed as
7 3325 US HWY 29N in Danville, Virginia.

8 7. NAA stands for National Agents Alliance, which is on the
9 company's logo as advertised on www.naaleads.com.

10 8. National Agents Alliance is mentioned on www.ripoffreport.com
11 with an address of 3696 US HWY 29, Suite B in Danville,
12 Virginia.

13 9. A search for "National Agents Alliance" via the Virginia
14 Secretary of State website reveals Respondent National Agents
15 Alliance Insurance Agency, LLC (hereinafter "NAA, LLC") is out
16 of 3696 US HWY 29, Suite B in Danville, Virginia and its
17 registered agent is the same individual listed on
18 www.naaleads.com as its Senior Vice President - Sales
19 Development and Sales Quality Manager with the same address.

20 10. Consumer A indicated in the letter that Consumer A had been
21 solicited via written correspondence by Respondent FPC to
22 purchase mortgage life and disability insurance with no physical
23 examination to enable Consumer A to protect Consumer A's
24 mortgage loan in case of an unexpected occurrence.

1 11. On or about August 8, 2008, the Department received a written
2 and verbal communication from Financial Institution A, a New
3 Hampshire state-chartered bank, regarding its policy with
4 respect to solicitations.

5 12. Respondent FPC's (and therefore all of the above mentioned
6 Respondents) solicitation further advised that benefits can
7 include:

8 a. in case of death, the program/plan would pay the mortgage
9 amount in the event of borrower's death,

10 b. in case of disability, the program/plan provides money to
11 make the consumer's mortgage payment if the consumer cannot
12 work due to an illness or injury,

13 c. in case of unemployment, the program/plan pays the
14 consumer's Policy Premium for up to six months, and

15 d. a return of premium, wherein the program/plan returns 100%
16 of the consumer's premium at the end of the term.
17

18 13. Respondent FPC's (and therefore all of the above mentioned
19 Respondents) solicitation reference the bank name in two places
20 on the solicitation itself:

21 a. At the very top of the solicitation preceded by "RE:
22 MORTGAGE TIME SENSITIVE" and followed by Consumer A's name and
23 address with the loan amount and date on the right of the
24 page,
25

b. In the Borrow information box, followed by loan amount, Consumer A's name and address.

14. None of the above mentioned Respondents received any authorization (written or otherwise) to use the full or abbreviated name, trade name, service mark, or trademark of Financial Institution A.

ISSUES OF LAW

II. The staff of the Department alleges the following issues of law:

1. The Department re-alleges the above-stated facts in paragraphs 1 through 14.

2. The Department has jurisdiction over state-chartered banks pursuant to RSA 383:9 ("Duties").

3. Pursuant to RSA 384:12-a, IV ("Cease and Desist Order"), the Bank Commissioner (hereinafter "Commissioner") may issue and serve upon an individual or business entity a cease and desist order for any act or conduct that is in violation of RSA 384:67 ("Unauthorized and Deceptive Use").

4. Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a cease and desist order against any individual or business entity which engages in any act or conduct that violates RSA 384:67 involving a financial institution under the jurisdiction of the Commissioner and may bring legal action to enforce the order.

5. Pursuant to RSA 384:67, IV, for the purposes thereof, the term "financial institution" shall include a state-chartered bank as defined in RSA 384-B:1, I.

6. Pursuant to RSA 384:67, I (a), no individual or business entity shall, without the prior written authorization of a financial institution, "use the full or abbreviated name, trade name, service mark, or trademark of any financial institution in any written, electronic, or oral advertisement or solicitation for products and services."

RELIEF REQUESTED

The staff of the Department requests the Commissioner take the following action:

1. Find as fact the allegations contained in Section I of the Statement of Allegations of this Petition.

2. Make conclusions of law relative to the allegations contained in Section II of the Statement of Allegations (Issues of Law) of this Petition.

3. Pursuant to RSA 384:12-a, IV, order Respondent to immediately Cease and Desist from any violations of RSA 384:67.

4. Pursuant to RSA 384:68, order all above mentioned Respondents to immediately Cease and Desist from any violations of RSA 384:67.

5. Take such other legal administrative and legal actions as are necessary for enforcement of the New Hampshire banking laws, the protection of New Hampshire citizens, and to provide other equitable relief.

RIGHT TO AMEND

The Department reserves the right to amend this Petition for Relief and to request that the Banking Department Commissioner take additional administrative action. Nothing herein shall preclude the Department from bringing additional enforcement action under RSA 384:12-a, RSA 384:67 or RSA 384:68 or any regulations thereunder.

1 Respectfully Submitted:

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4 /s/
Maryam Torben Desfosses
Staff Attorney
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